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BOOK REVIEWS

GAME MISCONDUCT:

ALAN EAGLESON AND THE CORRUPTION OF HOCKEY

Russ Conway

[Macfarlane, Walter & Ross 1997]

xv / 308 pages

ISBN: 1-55199-018-0: \$15.95.

In the book, *Game Misconduct: Alan Eagleson and the Corruption of Hockey*, Lawrence, Mass., EAGLE-TRIBUNE writer Russ Conway details his investigation of the business dealings conducted by former National Hockey League Players Association (NHLPA) President Alan Eagleson. In his associations with the National Hockey League (NHL), Eagleson acted in many capacities such as realtor, landlord, investor, promoter, agent, attorney, NHLPA President, and scout. Eagleson was also instrumental in organizing the NHLPA and in negotiating the first collective bargaining agreement in NHL history.

In the opening pages of the book, Conway recounts conversations with former Boston Bruins hockey players such as Phil Esposito and Gerry Cheevers that sparked his interest in Eagleson's dealings. The players expressed distress at the way Eagleson had represented them, both as an agent and as the NHLPA President. Conway also remembers his editor at the EAGLE-TRIBUNE, Dan Warner, who impressed upon him the desire to go beyond the scores and statistics of the game to get to the real story. Together these forces propelled Conway into an eight year investigation of Alan Eagleson.

As he begins to recount Eagleson's questionable business dealings, Conway alludes to the familiar business concept "arm's length transaction." BLACK'S LAW DICTIONARY defines this term as "a transaction negotiated by unrelated parties, each acting in his or her own self interest."¹ Absent this conduct, business dealings quickly became questionable and as the details uncovered by Conway continuously point out, Eagleson and the NHL were not conducting "arm's length transactions."

Eagleson represented a wide range of parties including the NHL, the players, outside investors, and himself. These parties often had separate

1. BLACK'S LAW DICTIONARY 100 (5th ed. 1983).

and competing interests. Together these factors led him to situations in which he was asked to negotiate from both sides of the table. Many times, these conflicts led to deals that were not conducted at "arm's length," and as a result the players' interests often suffered, yielding to Eagleson's personal interests.

Conway provides example after example of Eagleson's misrepresentation of the players' collective and individual interests. This book details specific cases of players that were financially abused by Eagleson, cases in which Eagleson abused his authority as NHLPA President, and cases in which Eagleson abused the owners. Besides the players' interests suffering from Eagleson's questionable dealings, on more than one occasion Eagleson was reimbursed three times by the same player to perform those services. Players compensated Eagleson as NHLPA President through payment of dues and as an agent for negotiating contracts; on multiple occasions Eagleson charged players through his law firm for assistance in collecting career-ending disability insurance payments.

Egleson also agreed to questionable arrangements in his deals surrounding the Canada Cup. Frequently, Eagleson told players that payments would be made to the player retirement fund as compensation for participation in this event. However, as seemed to be the case in many of his deals, Eagleson told the players only half of the story. The money earned from the tournament was added to the retirement fund, but this addition offset the amount the owners would otherwise have had to contribute. The Canada Cup was benefiting Eagleson and the owners, not the players.

This book takes the reader on a journey with Conway as he uncovers these and other similar transactions ultimately leading to the Royal Canadian Mounted Police charging Eagleson with eight counts of fraud, and the United States filing charges against Eagleson for fraud and racketeering. Criminal charges against Eagleson had not been settled by the time of the book's publication. However, Conway reported that Eagleson lost a civil suit brought by former hockey player Mike Gillis. The court ordered Eagleson to pay over \$500,000.00 for damages and legal fees for defrauding Gillis in a disability insurance claim.

The concluding chapters also detail a \$41 million verdict for the players against the owners in a pension distribution suit stemming from facts discovered by Conway. This money was divided among former Canada Cup players. Phil Esposito received \$128,153.00. Unfortunately, Gary Cheevers received nothing from the settlement because he is employed as a scout for the NHL.

Conway wrote this book from his perspective as a journalist. He provides very little legal analysis besides briefly recognizing the National Labor Relations Act and the collective bargaining process. His work also severely lacks meaningful comment from Eagleson or his representatives, though he details numerous efforts to attain such perspective.

Some credit is due to Eagleson for his significant influence in helping to organize a hockey players union and to negotiate the first collective bargaining agreement in National Hockey League history. However, to the reader, this collection of tangible experiences and events surrounding Alan Eagleson provides a practical perspective for the logical reasoning behind the National Labor Relations Act requirement of "Arm's Length Bargaining." Conway's book reveals what can happen when that requirement is not satisfied.

SCOTT A. JENSEN